

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-19 are pending in this application. Claims 1, 4-5, 7-8, 11-13 and 17 are amended. Claims 1 and 17 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O., that the drawings have been accepted by the Examiner and that the references cited in the Information Disclosure Statement (IDS) filed April 28, 2006 have been considered.

CLAIM OBJECTIONS

Claim 1 is objected to for minor informalities contained therein. Applicants have amended claim 1 as shown in the preceding section. Reconsideration and allowance of claim 1 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 4, 18 and 19 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

As shown in the preceding section, claims 1, 4, 18 and 19 have been appropriately amended to meet the requirements of 35 USC § 112, second paragraph. Reconsideration and allowance of each of claims 1, 4, 18 and 19 is respectfully requested.

DOUBLE PATENTING REJECTION

Claims 1-6, 8-11, 13, and 16-18 are *provisionally* rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-26, 29, 32-33, and 36-40 of copending Application No. 10/577,158.

Applicants acknowledge this *provisional* rejection, and will take the appropriate steps to address this rejection once the claims in this application and the claims in pending Application 10/577,158 are indicated as including allowable subject matter since this *provisional* rejection is based on claims that may change.

DISCUSSION OF EXAMPLE EMBODIMENTS

Non-limiting example embodiments are described to assist the Examiner in understanding the function of the present application and the differences between the present application and Minemura. Applicants respectfully submit that this description is only to assist the Examiner's understanding and should not limit any of the pending claims in any way. Instead, each claim should be interpreted solely based upon the limitations presented therein.

Example embodiments may allow a direct and a targeted authentication of an application by the server by sending a cryptogram containing the digest, identification data, and instructions for the security module. According to example embodiments, the server may act in a targeted way on the functioning of the application in a specific terminal based on the instructions included in the cryptogram and depending on verification results of the application. The execution of the instructions may block and/or enable resources of the security module without necessarily blocking the application functionalities in their entirety. The functioning of the application may depend on criteria established by at least one of the operator, the application supplier and/or the user of the terminal. According to example embodiments, the criteria may refer, for example, to the update of software

version installed in the mobile equipment, downloading of new application into the mobile equipment, updating period of the protection profile, updating number of connections to the network, updating technology used for the access to the network, identity of the used access network.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2003/0114144 to Minemura. Applicants respectfully traverse this rejection for the reasons detailed below.

Minemura discloses a system for authenticating an application in a terminal connected to an authentication module such as an IC card. A server verifies whether the authentication of the terminal has succeeded on condition that authentication for the authentication module via the terminal succeeds. Thus the authentication module is authenticated by the server. In the application authentication, the terminal calculates a hash value of the downloaded application and presents a signature of the application to the authentication module which checks if the hash value obtained by decrypting the signature corresponds to the calculated hash value. As such the application is authenticated by the server after the authentication module has been authenticated by the server and the application is authenticated by the authentication module. Minemura performs a cascaded authentication of an application where the server sends a digest without identification data. These data are redundant because terminal and authentication module have already been authenticated by the server in a first phase by using identification data. Also, as will be clear from FIG. 28 and paragraph [0192], the authentication module 2802 of Minemura does not comprise **“a digest of said application and instructions.”**

For at least these reasons, Minemura fails to meet “said security module comprising means for reception, storage and analysis of a cryptogram containing a **digest of said application and instructions**, means for **verification of said application**, and means for **extraction and execution of the instructions contained in the cryptogram**,” as required by independent claim 17. (Emphasis Added) Claim 18, dependent on independent claim 17, is patentable for the reasons stated above with respect to claim 17 as well as for its own merits.

Applicants, therefore, respectfully request that the rejection to claims 17 and 18 under 35 U.S.C. § 102 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2003/0114144 to Minemura.

Applicants, for the sake of brevity, address the rejection of claims 1-11 and 13-19 based on the arguments presented above with respect to the rejection of claims 17 and 18. Applicants respectfully submit that, for at least the reasons given above with respect to claims 17 and 18, Minemura fails to teach or fairly suggest each and every limitation of independent claim 1. For example, as shown above, Minemura method fails to disclose or fairly suggest “**a cryptogram comprising a digest of the application, the identification data and instructions intended for the security module**,” as recited in independent claim 1. For similar reasons and because the application in the Minemura method is authenticated by the server, Minemura also fails to disclose or fairly suggest “**verifying by the security module the application by comparing the digest extracted from the received cryptogram with a digest determined by the security module**.” Claims 2-11, 13-16 and 19, dependent on independent claim 1,

are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-11, 13-16 and 19 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

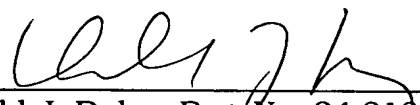
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/AZP/akp
